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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/554,977	12/28/2005	Bradley Clark	3836.01US01	1074
24113 7590 08/26/2008 PATTERSON, THUENTE, SKAAR & CHRISTENSEN, P.A. 4800 IDS CENTER 80 SOUTH 8TH STREET MINNEAPOLIS, MN 55402-2100				
EXAMINER				
QIN, JIANCHUN				
ART UNIT		PAPER NUMBER		
2837				
MAIL DATE		DELIVERY MODE		
08/26/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/554,977

Applicant(s)

CLARK, BRADLEY

Examiner

JIANCHUN QIN

Art Unit

2837

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) 9-28 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 8 is/are rejected.
- 7) ☒ Claim(s) 6 and 7 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/5508)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Brakewell (U. S. Pat. No. 3443466).

Regarding claim 1, Brakewell discloses a method of assembling a musical instrument (Abstract; Figs. 1-4; col. 3, lines 53-68), the instrument having a first major panel (5) and a side wall (8), the first major panel including a groove (7) or rebate cut into the panel according to a predetermined pattern (col. 3, lines 32-34), the method including the steps of: providing a first assembly jig (i.e., the jig 1, or the work place of the router, see col. 3, lines 16-19 and 22-24) adapted to support the panel (col. 3, lines 16-29); laying the panel on the first jig (col. 3, lines 22-24); providing a second assembly jig (9) adapted to hold the side wall in a configuration corresponding to the predetermined pattern of the groove or rebate (Fig. 4; col. 3, lines 54-57); placing the side wall into the second jig such that a free edge of the side wall substantially follows the predetermined pattern (col. 3, lines 54-57); applying adhesive to the groove or rebate (col. 3, lines 54-57); bringing the jigs together such that the free edge of the side wall is inserted into the groove or rebate (col. 3, lines 63-67), and applying a

compression force across the first and second jigs to urge the side wall into the groove or rebate (col. 4, lines 43-45).

Regarding claim 2, Brakewell discloses: wherein the predetermined pattern of the groove (7) or rebate is configured such that the groove or rebate extends substantially around the periphery of the panel (col. 3, lines 32-34).

Regarding claim 3, Brakewell discloses: wherein the first major panel is a front panel of the instrument (col. 3, lines 30-39; col. 3, lines 54-57).

Regarding claims 4 and 5, Brakewell discloses: wherein the instrument includes a neck component (12) projecting in a direction away from the side wall and at a predetermined orientation relative to the first major panel (Fig. 4), wherein the first assembly jig is also adapted to support the neck component in said predetermined orientation (inherent to the structure and configuration shown in Figs. 1 and 4), and wherein the method includes the steps of: laying the neck component on the first jig such that a base part of the neck component overlies a part of the first major panel (Figs. 1 and 4; col. 3, lines 61-69); adhering the neck component to the first major panel (col. 3, lines 61-69); and adhering the side wall to a side portion of the neck component (col. 3, lines 61-69).

Regarding claim 8, Brakewell discloses: removing excess material from the first and/or second major panel after being adhered to the side wall (col. 3, lines 34-37).

Allowable Subject Matter

3. Claims 6 and 7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Reasons for Allowance

4. The following is an examiner's statement of reasons for allowance:

Please see Office action mailed 03/19/08 for reasons for allowance of claims 6 and 7.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Response to Arguments

6. Applicant's arguments filed 06/19/08 with respect to claims 1-5 and 8 have been considered but they are not persuasive.

Applicant argues that "Consequently, the Brakewell jig pattern does not and cannot support the panel as claimed in claim 1 of the present application." The argument is not persuasive. The examiner's position is that, giving the claim the broadest reasonable interpretation, the Brakewell does disclose or suggest or teach the limitations of "providing a first assembly jig" and "laying the panel on the first jig". As clarifying further in section 2 above in this Office action, the examiner interprets Brakewell's *work place* of the router or the jig 1 (if the *work place* overlaps with the upper surface of the jig 1) as the first assembly jig on which the panel 5 is placed or laid, considering that there is no specific definition of "a first assembly jig" recited expressly in claim 1 of the instant application.

Applicant further argues that "Brakewell also teaches away from the use of assembly jigs in assembling musical instruments ..." by referencing statements in the Abstract of Brakewell's disclosure. The argument is not persuasive. The examiner's position is that, giving the claim the broadest reasonable interpretation, the Brakewell patent alone discloses or suggests or teaches all the subject matter recited in claim 1 of the instant application. That is, the invention recited in claim 1 is anticipated by Brakewell without a need of any combined teaching of prior arts or a modification by another prior art reference. The situation argued by the Applicant therefore does not stand certainly. The rejections are maintained.

Contact Information

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jianchun Qin whose telephone number is (571) 272-5981. The examiner can normally be reached on 8am - 5:30pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Walter Benson can be reached on (571) 272-2227.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. Q./
Examiner, Art Unit 2837
/Walter Benson/
Supervisory Patent Examiner, Art Unit 2837